

The comments of this pre-application are preliminary in nature and subject to change based upon the submittal of additional or different information. The Planning Commission or City Council are the final decision-making authority of the City and are not bound by the comments made by the Staff as part of this pre-application.

**ASHLAND PLANNING DEPARTMENT
PRE-APPLICATION CONFERENCE
COMMENT SHEET**
October 15, 2025

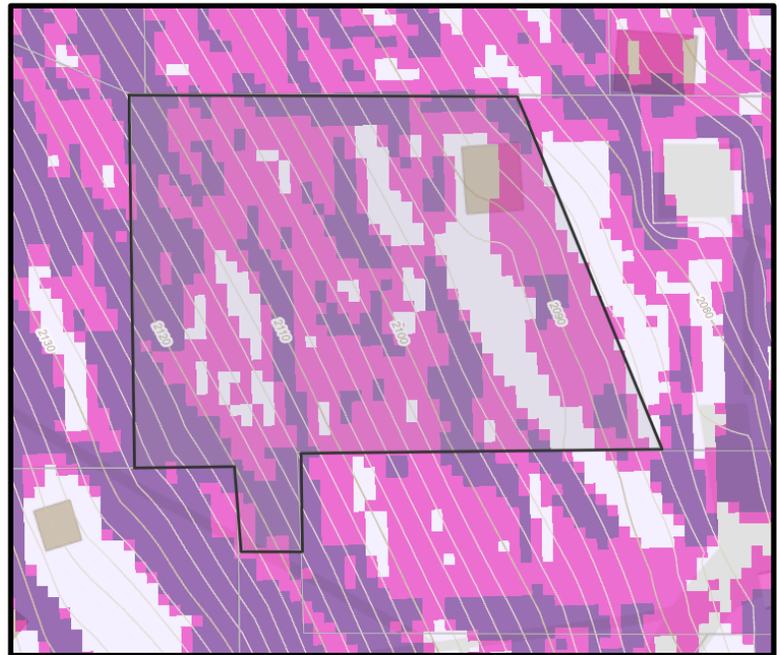
SITE: 319 West Street
APPLICANT: George Menedes et al
REQUEST: Physical & Environmental
Constraints Review Permit for Hillside
Development, Exceptions

PLANNING DIVISION COMMENTS:

This pre-application conference is intended to highlight significant issues before the applicant prepares and submits a formal application.

The subject property is located to the west of Alta Street, at the end of West Street. The lot is vacant and approximately 0.28 acres, or 14,375 square feet. The zoning is R-1-7.5, Single Family Residential. The lot was created through a minor land partition (PA-82-11), CS #9293 in May 1982 as parcel #1, split from the parent parcel which now houses 319 Alta Street. The 25' x 20' area in the SW of the lot was created through the vacation of the preexisting South Street ROW, vacated by Ordinance #275 of the city of Ashland V. 223, page 404 of the deed records of Jackson County, Oregon.

The property is partially 'severely constrained' (slopes greater than 35%). On the image to the right (generated by City GIS) the dark magenta/purple are slopes greater than 35%, and light magenta showing slopes greater than 25%.



The land use ordinance requires all new construction to happen on slopes less than 35%, however AMC 18.3.10.090.A.1.a allows for “Existing parcels without adequate buildable area less than or equal to 35 percent shall be considered buildable for one unit.” Because of the steepness of the property and the presence of slopes greater than 25% a Physical and Environmental Constraints Review Permit is required for development.

Summary: Ashland’s Hillside Development Standards seek to protect the natural features of hillside lands and the visual character of the city. The application as proposed could require a number of exceptions to these standards. For the most part, staff could support exceptions where a strong case is made that the exception criteria are being met. Staff have identified several issues in reviewing the proposal to construct a single-family residence on the subject property that will need to be fully addressed in the application submittal. They are as follows:

- **Driveway:** The driveway would have to meet flag drive standards, including width and grade

as provided in AMC 18.5.3.060. Any work within the ROW– if approved by the Public Works Department – would require approval by Public Works and, if approved, an encroachment permit. It would be advisable to contact Karl Johnson in Public Works fairly early on in the design process to identify any potential issues with driveway placement within the easement. 2) The driveway configuration needs to meet controlled access requirements which limit single family residences to one curb cut/driveway approach (AMC 18.4.3.080.D.5). 3) The applicant would need to sign an agreement acknowledging that if sidewalks are ever installed, on-street parking may need to be removed to accommodate city-standard street improvements. 4) The driveway also contributes substantially to lot coverage and would need to be included in lot coverage calculations. Staff would not be able to support a Variance to the controlled access requirements or to lot coverage, or an Exception to disturb more than 100 feet of severe constraints lands for a driveway.

- **Original Minor Land Partition Conditions:** The subject property is part of a minor land partition from 1982, split from the lot where 319 Alta is located. The City has documents and plans dating back to the early 1980s pertaining to this partition. The conditions of approval of the Planning Commission in 1982 (PA-82-11) are attached to this report. Some of the relevant conditions to this project include:
 - ‘That the applicant shall sign in favor of the paving of Alta and West Streets upon the formation of a local improvement district.’
 - That an additional 3 ½ feet of dedicated right-of-way shall be required on West St., along the property frontage.
 - ‘That grading and surfacing of West shall be provided according to the flag drive standards. Drainage of the flag drive shall be controlled by the applicant at his expense to the standards of the Public Works Dept.’
- **Building Envelope:** Please ensure that the building be located in a spot that meets setback and solar standards along with meeting the general requirements found in section 18.3.10.090 of the land use ordinance as noted below.

1. Buildable Area. All development shall occur on lands defined as having buildable area. Slopes greater than 35 percent shall be considered unbuildable except as allowed below. Exceptions may be granted to this requirement only as provided in subsection [18.3.10.090.H](#).

a. Existing parcels without adequate buildable area less than or equal to 35 percent shall be considered buildable for one single-family dwelling and an accessory residential unit or a duplex in accordance with the standards in sections [18.2.3.040](#) and [18.2.3.110](#).

- **Building Design Standards:** The City’s Land Use Ordinance has specific requirements for development on hillside lands. The intent is to encourage “a sensitive form of development and to allow for a reasonable use that complements the natural and visual character of the City.” The Development Standards for Hillside Lands can be found in section 18.3.10.090 of the Land Use Ordinance (shown in part below). Upon review of the proposed single-family residence, Staff has noted a few key points:
 - Building height has a 35-foot maximum for development on hillside lands (18.3.10.090.E.2.a and 3); make sure that the orientation of roofline orients with the hillside.
 - The standards call for a step back of at least six feet (18.3.10.090.E.2.c). The proposed structure would need to step back as the standards require, not forward. For staff to

- support an Exception the applicant would need to make a strong case that the proposal benefitted both the natural and visual character of the hillside.
- Wall planes greater than 36-lineal feet are required to include at least a six-foot offset which must be reflected through the roofline to break up the massing of the building. The building needs to be proposed in such a way to orient with the natural curve of the lot, and meet the standards as addressed above. This wall plane would need to incorporate an offset or request an exception. (18.3.10.090.E.2.d).
 - **Grading – Cuts:** The standards call for the use of cut slopes for structure foundations which reduce the effective visual bulk, such as split pad or stepped footings.
 - **Grading – Fill:** Grading shall be minimized in order to accommodate the structure and a reasonable yard area. Pads for swimming pools are specifically discouraged. As much of the remaining lot area as possible should be kept in the natural state of the original slope. An Exception to the design standards would be necessary if the building is not able to be stepped into the slope. Staff would not generally be supportive of an exception for a pool given the steepness of the lot and the magnitude and number of exceptions. Exceptions to the Development Standards are addressed in AMC 18.3.10.H.
 - **Retaining Wall(s):** According to AMC 18.3.10.B.4.b, cut slopes greater than seven feet in height are required to be terraced. Terraces cannot exceed five feet in height with a three-foot width and a total cut of 15 feet. Retaining walls not meeting these standards would require an Exception from the Development Standards for Hillside Lands.

Each deviation from the Development Standards for Hillside Lands would require detailed explanation addressing the exception standards and demonstrating that the exception would be more beneficial to the surrounding area, topography, etc. than meeting the minimum required standards would provide.

Depending on the number and magnitude of exceptions to the design standards that would be required of this proposal, the resulting application would most likely be a “Type 1” Physical and Environmental Constraints Review Permit but if the number and magnitude of exceptions are large the Staff Advisor would refer the application to the Planning Commission for a decision through a public hearing.

Engineered Foundations: All structures on Hillside Lands shall have foundations designed by an engineer or architect with demonstrable geotechnical design experience. A designer, as defined, shall not complete working drawings without having foundations designed by an engineer. Planning staff advises the applicant to pursue a land use consultant, Geotech, architect and contractor all with Ashland Hillside Ordinance experience.

Tree Conservation, Protection and Removal: In addition to the Tree Preservation & Protection Standards (AMC 18.4.5) and the Tree Removal requirements (AMC 18.5.7), there are specific requirements addressing tree removal on Hillside Lands found in AMC Chapter 18.3.10.090.D. The hearing authority may approve the removal of trees if the proposal meets the criteria in AMC 18.3.10.090.D.5. Tree protection measures are required for trees impacted by site disturbance and construction and detailed in AMC 18.4.5. A tree inventory prepared by a certified arborist will need to locate all trees greater than six inches DBH on the property, and on adjacent properties within 15 feet of the property line, and identify the species of each tree and approximate extent of the tree canopy. Trees to be removed and in areas of disturbance must be clearly identified. The application must also address the suitability of trees for conservation and demonstrate that the trees to be preserved have been incorporated into the design. Trees to be removed, unless diseased, dead or a hazard must be replaced.

A tree-replanting plan must be submitted with the application.

Lot Coverage: As described in table 18.2.5.030.C, the maximum lot coverage for the R-1-7.5 zone is 45%. The approximate lot size of the subject property is 14,375 square feet. The impervious surface calculation must include *all* impervious surfaces of the lot (such as the driveway, decks, etc.). Lot coverage is defined as, “*the total area of a lot covered by buildings, parking areas, driveways, and other solid surfaces that will not allow natural water infiltration to the soil.*” Staff would not be supportive of any Variance to lot coverage for severe constraints lands given that they are generally considered to be unbuildable.

Submittal Requirements: A final application will be required to include:

- Written Findings addressing all applicable approval criteria and development standards. This should include detailed narrative regarding the building design vis a vis the Hillside Design Standards and explaining any required exceptions.
- A slope analysis
- An engineering geologic study prepared by a geotechnical expert to establish that the site is stable for the proposed use and development. (See AMC 18.3.10.110.D.)
- Plans detailing the proposed development of the site.
- An inventory of existing trees and a tree protection plan / tree removal plan
- A landscape and irrigation plan to demonstrate how the cut slope terraces and fill slopes will be revegetated. The vegetation used for these areas must be native or species similar in resource value, which will survive, help reduce the visual impact of the cut/fill slopes and assist in providing long-term slope stabilization.
- A grading and Erosion & Sediment control plan

Zoning: The property is zoned R-1-7.5 which has a maximum lot coverage of 45%. The application materials indicate a proposed approximate 1,800 square feet of footprint counting both the proposed dwelling (1,368 sq ft) and garage (432 sq ft) which amount to 12.5% lot coverage. However, this amount does not appear to take all impervious surfaces into account. A breakdown of all lot coverage (*i.e. anything other than natural landscaping which allows natural infiltration of water into the soil*) including the driveway will be required to be submitted with the application materials.

Solar Standards: Ashland’s Solar Access Ordinance typically limits the shadow which can be cast over the north property line to no more than would be cast by a six-foot fence constructed on the north property line. A final application would need to include calculations demonstrating that the proposal complies with the Solar Access standards.

Development Standards for Wildfire Lands (AMC 18.3.10.100): The property is located within the designated Wildfire Lands Overlay. As a result, a Fire Prevention and Control Plan, prepared at the same scale as the development plans, addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.B is required with the application. Additionally, any new landscaping proposed is required to meet the General Fuel Modification Area standards and not include plants listed on the Prohibited Flammable Plant List per Resolution 2018-028. As originally conditioned with the subdivision, the

residence will be required to have a sprinkler system. It would be advisable to contact Fire Marshall Mark Shay to verify any fire code-related issues and to confirm water pressure, etc.

On-Site Pre-Construction Meeting: Prior to the commencement of site work, there will need to be a pre-construction meeting on site with the applicant's development team (applicant, general contractor, excavation contractor, geo-tech, arborist, etc.) and city staff to go over the requirements of the Hillside Development permit.

Inspection Schedule & Final Report: The final application submittal should include an inspection schedule for the geotechnical expert with the engineered geotechnical report. The project geotechnical expert will also need to certify that the building permit submittals (i.e. foundation plan, grading plan, erosion control plan, etc.) have been designed consistent with the geotechnical report's recommendations. The geo-tech will need to provide a final letter indicating that all required grading, drainage, and erosion control measures were installed as per the approved plans and all scheduled inspections were conducted and approved throughout the project.

Neighborhood Outreach: Staff always recommend that applicants approach the affected neighbors, particularly those who are likely to receive notice of an application, in order to make them aware of the proposal and to try to address any concerns that may arise as early in the process as possible. Notices are typically sent to neighboring property owners within a 200-foot radius of the perimeter subject property.

Written Findings/Burden of Proof: This pre-application conference is intended to highlight significant issues of concern to staff and bring them to the applicant's attention prior to their preparing a formal application submittal. Applicants should be aware that written findings addressing the ordinance and applicable criteria are required and are heavily dependent on when granting approval for a planning action. In addition, the required plans are explained in writing below. The burden of proof is on the applicant(s) to ensure that all applicable criteria are addressed in writing and that all required plans, written findings, and other materials are submitted even if those items were not discussed in specific, itemized detail during this initial pre-application conference.

OTHER DEPARTMENTS' COMMENTS:

BUILDING: No comments at this time. Please contact the Building Division for any building code-related questions at 541-488-5305.

CONSERVATION: For more information on available water conservation programs, including any available appliance rebates or assistance with landscaping and irrigation system requirements, please contact Dan Cunningham at 541-552-2063 or via e-mail to dan.cunningham@ashland.or.us

ENGINEERING: **See comments at the end of this document.** Please contact Karl Johnson of the Engineering Division for any Public Works/Engineering information at 541-552-2415 or via e-mail to karl.johnson@ashland.or.us .

FIRE: No comments at this time. Please contact Mark Shay from the Fire Department for any Fire Department-related information at 541-552-2217 or via e-mail to mark.shay@ashland.or.us

WATER AND SEWER SERVICE: Please contact the water department at 541-488-5353 with any questions regarding water utilities.

ELECTRIC SERVICE: Please contact Rick Barton in the Electric Department for service requirements and connect fee information at (541) 552-2082 or via e-mail to rick.barton@ashland.or.us. Rick will arrange an on-site meeting and develop a preliminary electrical service plan for the site. Please allow additional time to accommodate scheduling of this on-site meeting and preparing the preliminary plan. Submittals will not be deemed complete without a preliminary approved plan from the Electric Department.

APPLICATION REQUIREMENTS

Submittal Information.

The application is required to include all of the following information.

- a. The information requested on the application form at <http://www.ashland.or.us/Files/Zoning%20Permit%20Application.pdf> .
- b. Plans and exhibits required for the specific approvals sought (see below).
- c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail (see below).
- d. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, *as applicable*.
- e. The required fee (see below).

The Ashland Land Use Ordinance, which is Chapter 18 of the Municipal Code, is available on-line in its entirety at: <https://ashland.municipal.codes/LandUse>

Written Statements

Please provide a written statement explaining how the application meets the approval criteria from the sections of the Ashland Municipal Code listed below. These written statements provide the Staff Advisor or Planning Commission with the basis for approval of the application:

- o **Physical & Environmental Constraints:** **18.3.10.050**
- o **Development Standards for Hillside Lands:** **18.3.10.090**
- o **Development Standards for Severe Constraint Lands:** **18.3.10.110**
- o **Narrative for Variance (if applicable/Lot Coverage/Curb Cuts):** **18.5.5.050**
- o **Narrative for all Exceptions:**
 - o **Development Standards for Hillside Lands:** **18.3.10.090.H.**
 - o **Parking, Access, & Circulation:** **18.4.3.020.B.**
 - o **Solar Setbacks (if applicable):** **18.4.8.020.C.1.**

Plans & Exhibits Required

Please provide one set of digital exhibits (plans or drawings) addressing the submittal requirements from the sections of the Ashland Municipal Code listed below. These exhibits are used to copy the Planning Commission packets and for notices that are mailed to neighbors. Please format drawings to be reproducible at a standard architect's or engineer's scale.

- o **Physical & Environmental Constraints:** **18.3.10.040**
- o **Tree Preservation and Protection:** **18.4.5.030, 18.3.10.090.D**
- o **Variance** **18.5.5.040**

PLANNING APPLICATION FEES:

P&E Constraints Permit	\$1,349.60
Exceptions	\$ 0
Variance (Lot Coverage, Curb Cuts, if applicable)	\$1,349.60

NOTE: Applications are accepted on a first-come, first-served basis. All applications received are reviewed and must be found to be complete before being processed or scheduled at a Planning Commission meeting. Applications will not be accepted without a complete application form signed by the applicant(s) and property owner(s), all required materials and full payment. Applications are reviewed for completeness in accordance with ORS 227.178.

For any other questions regarding payment please call or come in before clicking on something and transferring money as the only forms of payment we accept are cash, card, or check

For further information, please contact:

October 15, 2025

Nick Schubert, *Associate Planner*

Date

City of Ashland, Department of Community Development

Phone: 541-552-2045 or e-mail: nick.schubert@ashland.or.us

Public Works Pre-Application Comments

1. **Engineered Plans** - Where public improvements are required or proposed, the applicant's engineer shall submit design plans for approval of all public improvements identified on the approved plan or as specified in the conditions of approval. One set of these civil plans **MUST BE SUBMITTED DIRECTLY TO THE PUBLIC WORKS/ENGINEERING DEPARTMENT**. All design plans must meet the current City of Ashland Public Works Standards. Engineered construction plans and specifications shall be reviewed and signed by the Public Works Director, prior to construction. All public facilities within the development will be designed to the City of Ashland Engineering Design Standards for Public Improvements.

Where public improvements are required or completed, the developer shall submit as-built drawings of all public improvements constructed during and in conjunction with this project. Field changes made during construction shall be drafted to the drawings in the same manner as the original plans with clear indication of all modifications (strike out old with new added beside).

The engineered plans MUST CONFORM THE FOLLOWING:

- Drawings must be submitted digitally and **MUST** be true scale PDF drawings
 - Drawings sizes shall comply with ANSI-defined standards for page width and height.
 - Review and construction drawings **MUST** be submitted in B size (11x17).
 - All final, as-constructed drawings **MUST** be submitted digitally as true scale PDF drawings and on Mylar if requested. Final drawings shall be B size (11x17) or D size (22x34). If D size drawings are produced, both B size and D size **MUST** be submitted.
2. **Permits** – Any construction or closure within the public right of way or public utility easement will require a Public Works permit and before any work in the right of way or public utility easement commences, all necessary permits **MUST** be obtained.
 3. **Right-of-Way** – No additional right-of-way dedication, beyond that necessary to comply with City Street Standards, will be required at this time.
 4. **Street Improvement** – No additional street improvements, beyond those necessary to comply with City Street Standards, will be required at this time.
 5. **Driveway Access** – No additional improvements/requirements will be requested at this time, but the applicant proposed improvements must be reviewed and permitted by the City of Ashland Engineering Department.
 6. **Sanitary Sewer** – The property is currently served by a 6-in sanitary sewer main in West Street. The applicant proposed improvements must be reviewed, approved and permitted by the City of Ashland Engineering Department.
 7. **Water** – The property is currently served by a 6-in water main in West Street. City of Ashland Water Department shall tap existing water main and install any new water services and water meter boxes that are proposed by development. City of Ashland Water Department must be contacted for availability, placement and costs associated with the installation of the new water service. Service & Connection Fees will also be required for any new water services installed as part of this project.

8. **Storm Drainage** – The property is currently served by a 12-in storm sewer main in West Street. City of Ashland Engineering Department must review an engineered storm drainage plan.

Storm Water Facility Design Requirements:

Applicants MUST follow the guidance and requirements set forth in the current Rogue Valley Stormwater Quality Design Manual which can be found at the following website:

<https://www.rvss-or.gov/stormwater-management-and-erosion-control/rogue-valley-stormwater-quality-design-manual>

All stormwater calculations, reports, drawings, etc. shall be submitted to the City of Ashland Engineering Department for review.

9. **Erosion & Sediment Control** - The following requirements shall be met:
- All ground disturbances exceeding 2,500 square feet shall implement an Erosion and Sediment Control Plan (ESCP).
 - A 1200-C permit will be secured by the developer where required under the rules of the Oregon State DEQ. City of Ashland Engineering Department must receive a copy of this permit before any construction shall begin.
 - Erosion Prevention and Sediment control measures that meet the minimum standards set forth by the City of Ashland Public Works/Engineering Standard Drawing CD282 must be in place before any construction related to the project begins.
 - Pollution, track out, and sediment dumping into storm water are strictly prohibited per AMC 9.08.060.
 - Drainage from automotive use areas shall be limited to oil concentrations of 10 mg/l by a pre-approved means.
 - Trash storage areas shall be covered or provide additional storm water treatment by an approved means.
 - Off street parking areas shall conform to Ashland Municipal Code 18.4.3.080.B.5, including provisions to minimize adverse environmental and microclimatic impacts.